

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF

OCTOBER 24, 1997

(Published November 1, 1997,
in Finance and Commerce)

Council Chamber
Minneapolis, Minnesota
October 24, 1997 – 9:30 a.m.

President Cherryhomes in the Chair.

Present – Council Members Campbell,
Biernat, Niland, McDonald, Minn, Mead, Scott,
Schulstad, Herron, Rainville, Dziedzic, Thurber,
President Cherryhomes.

Campbell moved approval of the minutes of
the regular meeting of October 10, 1997.

Seconded.

Adopted upon a voice vote.

Campbell moved referral of petitions and
communications and reports of the City officers to
proper Council committees and departments.

Seconded.

Adopted upon a voice vote.

PETITIONS AND COMMUNICATIONS

CLAIMS:

CITY CLERK (263183)

Ailabouni, Abdalla; Bina, Alain; Blackful,
Rodney Maurice; Blevins, Lori; Budd, Elaine;
Buganski, Darlene Marie; Campbell, Annie Doris;
Colford, Paula, John Borchert II & Atty Grant
Hartman; Day, Jack H III/sub Westfield Co;
Dodds, Thomas; Fisher, Simon & Atty Gary K
Bergquist; Fransen John C & Jeff; Hintz, David C;
Hoelan Group/sub St Paul Fire & Marine Ins Co;
Howard, Eileen C; Keyes, Michael; Martin,
David; McGrann, William R & Judith C;
Medrano, Alejandro; Meehan, Tom; Minnegasco;
Mohamed, Yusuf; Norris, Rosemary; O'Keefe,
Shawn; Reveria, Anthony & Atty Steven J Terry;
Schwartz, Mark J Jr; Wennerlyn, Gary, Wenn

Enterprises & Atty Richard I Diamond; Williams,
Mark.

COMMUNITY DEVELOPMENT:

COORDINATOR—GRANTS & SPECIAL
PROJECTS (263184)

FY98 Consolidated Plan (comprising old
CDBG, HOME, ESGP, HOPWA Progs) Neigh-
borhood Needs and Proposed Use of Funds: Grants
& Special Projs: Summary of comments received
at public meetings on 7/15/97 and 7/24/97; FY98
Consolidated Plan schedule; Recm to set pub hrg.

Minnesota Coalition for the Homeless:

Comments submitted at pub hrg 10/14/97.

Legal Aid Society of Mpls, Hsg
Discrimination Law Proj: Comments submitted
10/14/97.

630 Cedar Av Resident Council: Comments
submitted 10/14/97.

COMMUNITY DEVELOPMENT: (See Rep):

COMMUNITY DEVELOPMENT AGENCY,
MINNEAPOLIS (MCDA) (263185)

Lot Division (1222 Oliver Av N): Apprv
division & waive subdivision plat requirement
w/plot plan & map.

Calhoun Sq Associates Ltd Partnership Proj:
Apprv issue refunding bonds.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY DEVELOPMENT AGENCY,
MINNEAPOLIS (MCDA) (263186)

Contamination Clean-up: Direct MCDA staff
to apply to Metro Council for Metropolitan Livable
Communities Grants for North Star Woolen Mill,
Washburn Crosby Mill Utility Bldg, Creamettes
Bldg & Sears site, & to MN Dept of Trade &
Economic Development for Washburn Crosby Mill
Utility Bldg, w/survey, map & drwg.

COMMUNITY DEVELOPMENT AGENCY,
MINNEAPOLIS (MCDA) (263187)

Rose Court Townhomes & Stinson Market
Place Project: Apprv revised business terms to
include Leveraged Investment Fund loan, auth
MCDA to prepare plan mod to Mod 49 of
Common Plan, approp funds, reallocate funds.

NEIGHBORHOOD REVITALIZATION
PROGRAM (NRP) (263188)

Barton School: Apprv use of Mpls School's
second 7.5 % NRP funds for improvements, approp
funds; Apprvl of mod to East Harriet Farmstead
Neighborhood Action Plan; Mpls School's
background report.

Olson Middle School: Apprv use of Mpls
School's second 7.5 % NRP funds for gymnasium
upgrade, approp funds; Apprvl of mod to Shingle
Creek Neighborhood Action Plan; Shingle Creek
Neighborhood Assn action to reallocate funds.

Whittier Neighborhood Early Learning Center:
Apprv use of Henn Cty's second 7.5 % NRP funds
for upgrade, approp funds; Henn Cty apprvl of
funding; Whittier Alliance apprvl of use of Henn
Cty funds; Summary of costs prepared by Kodet
Architectural Group; Plot plan.

INTERGOVERNMENTAL RELATIONS:

PARK BOARD (263189)

Capital Improvement Prog Projs: List of funded
& proposed projs.

INTERGOVERNMENTAL RELATIONS

(See Rep):

ATTORNEY (263190)

Nonfelony Enforcement Advisory Cmte
(NEAC): Info opposing certain NEAC proposals
considered detrimental to City's ability to prosecute
misdemeanor offenses.

**INTERGOVERNMENTAL RELATIONS and
TRANSPORTATION & PUBLIC WORKS
and W&M/BUDGET (See Rep):**

PUBLIC WORKS AND ENGINEERING
(263191)

Development of Greyhound/Jefferson Terminal
Site: Pursue w/state & federal agencies
to identify grants & Assign Priority A level of
lobbying initiative.

PUBLIC SAFETY AND REGULATORY

SERVICES (See Rep):

CIVILIAN POLICE REVIEW AUTHORITY
(263192)

Civilian Police Review Authority: Apprv
appt.

INSPECTIONS DEPARTMENT (263193)

Raze Bldgs: Apprv demo of 2930 Aldrich Av
N, 2130 Aldrich Av N & 1401 21st St E.

INSPECTIONS DEPARTMENT (263194)

Rental Dwlg Lic Bd of Appeals: Apprv
reappts.

Rental Dwlg Lic: Deny lic, 2911 Dupont
Av N.

Rental Dwlg Lic: Deny lic, 409 31st Av N.

Rental Dwlg Lic: Revoke lic, 2620 Emerson Av
N & Apprv Findings.

LICENSES AND CONSUMER SERVICES
(263195)

Lics: Appls.

PUBLIC SAFETY AND REGULATORY

**SERVICES and TRANSPORTATION &
PUBLIC WORKS and W&M/BUDGET
(See Rep):**

PUBLIC WORKS AND ENGINEERING
(263196)

Property Acquisition for Precinct #5 Bldg Proj:
Issue payment for property at 3101-03
Nicollet Av S.

PUBLIC SAFETY AND REGULATORY

**SERVICES and WAYS & MEANS/
BUDGET (See Rep):**

POLICE DEPARTMENT (263197)

Leased Vehicles for officers assigned to Metro
Gang Task Force: Agrmt w/provider.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING
(263198)

Tax Forfeited Land List No 1006-NC: Recmd not
acquiring any parcels.

DELFRE, JOSEPH A. (263199)

Snow and Ice Removal from Public Sidewalks:
Objection to assessment for property located at 2643
Colfax Av N (public hearing held 10/2/97).

TRANSPORTATION AND PUBLIC WORKS

(See Rep):

PUBLIC WORKS AND ENGINEERING
(263200)

Perkins Hill Residential Paving Area: Reduce
residential paving assessments along Ely side of
relocated 4th St N betw 37th & Dowling Avs N by
\$1,767.

Unpaid Water, Sewer and Solid Waste Charges: Adopt and levy assessments; w/objections.

PUBLIC WORKS AND ENGINEERING
(263201)

Solid Waste Collection Point Area Cleanups: Adopt and levy assessments; w/objections.

Tree removal from July Storms: Pay tree contractor bill incurred by Nick Fragale, 3935 Russell Av N, and reimburse expense incurred by City through special assessment against property, to be collected over five-yr period w/interest.

Nicollet Avenue South Special Service District Advisory Board: Apprv appointments.

Twin City Tile and Marble Parking Lot Lease: Apprv assignment of lease to U of M & reduce liability insurance amount from \$2 million to \$1 million; and Find that use of parking lot by U of M is in compliance w/lease provision as used by Twin City Tile.

Naming public alley: Auth name 16' wide public alley in Blk 11, Town of Mpls Addn as "Azine Alley"; Develop policy for naming alleys.

U.S. Courthouse Pedestrian System Improvement Proj: Apprv change order w/Cy-Con for work performed as part of pedestrian facilities serving new U.S. Courthouse.

Leaf Disposal: Rescind report passed 9/26/97 authorizing contr w/SKB Environmental; and Reauthorize contr to reflect complete contr terms.

WATER DEPARTMENT (263202)

City Water Service: Apprv connection for "8 on France" Condominium Project located at 5120 France Av S in Edina.

WINJE, HARVEY (263203)

Sidewalk Repair and Construction: Objection to assessment for property located at 2844 16th Av S.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET
(See Rep):

PUBLIC WORKS AND ENGINEERING
(263204)

Public Service Center Air Conditioning Proj: Auth use \$92,095 of 1997 GM-1 Capital Approp to supplement funding for 1996 "Replace Air Conditioning at Public Service Center" Project and Defer 1997 "Public Service Center Curtainwall Caulking" Project to 1998.

Quarry Development: Apprv incrs in MSA approps; Accept petn of Ryan Cos to be assessed for improvements adjacent to Quarry site; Return Ryan petn for berming and landscaping;

Direct City Engineer to prepare rep transferring \$217,000 from other 1998 Public Works capital proposals; Prepare interagency agrmt w/MCDA to pay for constructing berm w/bike path and landscaping adjacent to 18th Av NE; Set public hearing for 11/13/97 to consider assessments for public improvements adjacent to Quarry site.

PURCHASING (263205)

Bids: Accept OP #4714, low bid of Doody Mechanical Inc for chiller project at Public Service Center; OP #4698, low bid mtg specs of Crysteel Truck Equipment for 18 truck dump bodies.

WATER DEPARTMENT (263206)

Pump Station No 9: Execute Professional Services Agrmt w/Camp, Dresser McKee for engineering and architectural services.

WAYS AND MEANS BUDGET:

ATTORNEY (263207)

No Fault/Underinsured/Uninsured Claims Rep: 3rd Quarter 1997.

FINANCE DEPARTMENT (263208)

Mpls Liquor Lodging Tax: Notification from Met Council that no tax is required to meet debt service on stadium revenue bonds in 1998.

Travel Expense Rep: 3rd Quarter 1997.

PURCHASING (263209)

Staff Purchasing Letters.

WAYS AND MEANS BUDGET (See Rep):

FINANCE DEPARTMENT (263210)

FISCOL Upgrade: Modify contr w/American Management Systems in order to implement Oracle version upgrade at addnl cost.

HUMAN RESOURCES (263211)

Reclassifications: Estab salary level for Office Support Specialist II and III, Elections Properties Maintenance Technician & Financial Records Supervisor.

MAYOR (263212)

1998 Budget: Adopt PRIORITIES '98 document & forward with committee comments to Mayor.

NEIGHBORHOOD SERVICES DEPARTMENT
(263213)

Youth Works/Americorps Prog: Recv fed grant funds, enter grant agrmt w/MN Dept of Economic Security & issue fund avail notice to Loring Nicollet Bethlehem Ctr.

PURCHASING (263214)

Bid: OP #4707, accept only bid of Upstanding Systems, Inc for connectivity software licenses for ITS Dept.

ZONING AND PLANNING (See Rep):

ATTORNEY (263215)

Rezoning Petition: Robert Muir Co: Auth City's consent on petn to rezone 6.03 acres vacant land betw W Lake St & Excelsior Blvd West of Market Plaza.

CITY CLERK/SPECIAL PERMITS (263216)

Fremont Av S, 2304 (Nan Zosel) operate a bed & breakfast; Hawthorne Av, 2100 (Roberta Revering) construct a garage; Washburn Av S, 4709 (Fred Quiggle) construct driveway.

HERITAGE PRESERVATION COMMISSION (263217)

Appeal Filed: Hollywood Theater Co: Appeal filed from decn of HPC denying demolition permit for Pantages (Mann) Theater, 708 Hennepin Av, w/ Attachments.

INSPECTIONS/BOARD OF ADJUSTMENT (263218)

Exceptions Filed: Richard Carlson: Appeal filed from decsn denying variation at 5118 Irving Av N; Ted Jostedt: Appeal filed from decsn denying increase in garage size at 5732-34 46th Av S.

PLANNING COMMISSION/DEPARTMENT (263219)

Mpls-St Paul Int'l Airport: "Draft Comments of City of Mpls re Environmental Assessment for proposed extension of Runway 4-22."

PLANNING COMMISSION:

PLANNING COMMISSION/DEPARTMENT (263220)

The Mpls Plan: Draft for Planning Comsn consideration as revised 10/16/97.

SEARS, ROEBUCK & CO (263221)

Permsn to vacate 3 alleys in vic of 28th & Chicago Av S.

FILED:

CITY CLERK/SPECIAL PERMITS (263222)

26th Av S, 3815 (Susan M Hammond) move garage; Nicollet Av S, 1816 (G's Super Valu) pony rides; Vincent Av N, 3342 (Jonathan Shuster) move house.

NORTHERN STATES POWER (NSP) (263223)

Utilities: Auth place poles at various locations.

Claims – Your Committee recommends that the following claims filed against the City by the following individuals be settled as follows:

FUND/ORG

690-150 Lynette Cuff, \$300; Milford Waye, \$300; Judith Wedel, \$1,425.04 plus 10 days car rental; Paul Scranton, \$480; George Dennis, up to \$4,000.

Your Committee further recommends that Housing Inspector Chad Patrow be reimbursed \$187.43 for damage to a coat that occurred while performing his inspection duties.

Herron moved to amend the report by changing the amount to be paid for the Judith Wedel claim from \$1,425.04 to \$1,538.55. Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted.

Yeas, 13; Nays none.

Passed October 24, 1997.

Approved October 30, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Claims – Your Committee, having under consideration the following claims relating to damages from sewer back up, now recommends that said claims be forwarded without recommendation:

Paul Scranton, 5053 Sheridan Av S, \$51,284.73;

Tanya Stromberg-Bartlett, 2959 Tyler St NE, \$10,422.00.

Schulstad moved that the report be amended by deleting the language "be forwarded without recommendation" and inserting in lieu thereof "be paid". Seconded.

Adopted by unanimous consent.

The report, as amended, lost.

Yeas, 4; Nays, 9 as follows:

Yeas – McDonald, Minn, Schulstad, Dziedzic.

Nays – Campbell, Biernat, Niland, Mead, Scott, Herron, Rainville, Thurber, Cherryhomes. Lost October 24, 1997.

Approved October 30, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**REPORTS OF
STANDING COMMITTEES**

The **CLAIMS** Committee submitted the following report:

The **COMMUNITY DEVELOPMENT** Committee submitted the following reports:

Comm Dev – Your Committee recommends passage of the accompanying resolution giving

final approval to the issuance of up to \$8,590,000 of Tax Exempt Commercial Development Revenue Refunding Bonds for Calhoun Square Associates Limited Partnership Project. (Petn No 263185)

Your Committee further recommends summary publication of the above-described resolution.

Adopted. Yeas, 12; Nays, none.

Absent – Herron.

Passed October 24, 1997.

Approved October 30, 1997. S. Sayles
Belton, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 97R-326, entitled “Authorizing the issuance and sale of, and providing the form, terms, pledge of revenues, and findings, covenants, and directions relating to the Commercial Development Revenue Refunding Bonds (Calhoun Square Associates Limited Partnership Project), Series 1997, under Minnesota Statutes, Sections 469.152-469.165, to be issued to refund the Commercial Development Revenue Refunding Bonds, Series 1987 (Calhoun Square Associates Limited Partnership Project), of the City,” was passed October 24, 1997 by the City Council and approved October 30, 1997 by the Mayor. It gives final approval to issue up to \$8,590,000 of refunding bonds for the Calhoun Square Project. The full text of the resolution is available for public inspection in the Office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 97R-326
By Niland

Authorizing the issuance and sale of, and providing the form, terms, pledge of revenues, and findings, covenants, and directions relating to the Commercial Development Revenue Refunding Bonds (Calhoun Square Associates Limited Partnership Project), Series 1997, under Minnesota Statutes, Sections 469.152—469.165, to be issued to refund the Commercial Development Revenue Refunding Bonds, Series 1987 (Calhoun Square Associates Limited Partnership Project), of the City.

Resolved by the City Council of the City of Minneapolis:

Section 1. Background.

1.01. Statutory Authorization. The City of Minneapolis (the “City”) is authorized by Minnesota Statutes, Sections 469.152 through 469.165, as amended (the “Act”), to issue revenue bonds to finance, in whole or in part, the cost of the acquisition, construction, reconstruction, improvement, betterment, or extension of a “project,” defined in the Act as any properties, real or personal, used or useful in connection with a revenue producing enterprise, for the public purposes expressed in the Act. The City is also authorized under the Act to issue revenue bonds to refund, in whole or in part, bonds previously issued by the City under the Act.

1.02. Prior Bonds. On December 30, 1982, the City issued its Commercial Development Revenue Bonds (Calhoun Square Limited Partnership Project) (the “Series 1982 Bonds”), in the original aggregate principal amount of \$10,000,000. The proceeds derived from the sale of the Series 1982 Bonds were loaned to the Calhoun Square Associates Limited Partnership, a Minnesota limited partnership (the “Company”), and applied to the acquisition and construction of a commercial retail and office facility and adjacent parking facility located at 3001 Hennepin Avenue (the “Project”) in the City. On October 21, 1987, the City issued its Commercial Development Revenue Refunding Bonds, Series 1987 (Calhoun Square Associates Limited Partnership Project) (the “Series 1987 Bonds”), in the original aggregate principal amount of \$10,000,000. The proceeds derived from the sale of the Series 1987 Bonds were loaned to the Company and applied by the Company to the redemption and prepayment of the Series 1982 Bonds.

1.03. Prior Company Bonds. In conjunction with the issuance of the Series 1987 Bonds, the Company issued its First Mortgage Bonds, Series 1987 (the “Series 1987 Company Bonds”), in the original aggregate principal amount of \$3,555,000, and applied the proceeds derived from the sale of the Series 1987 Company Bonds to finance certain costs of issuance of the Series 1987 Bonds and the Series 1987 Company Bonds, pay a premium with respect to the redemption of the Series 1982 Bonds, and refinance certain debt of the Company relating to the Project.

1.04. The Series 1997 Bonds. The Company has requested that the City issue its Commercial Development Revenue Refunding Bonds (Calhoun Square Associates Limited Partnership Project), Series 1997 (the “Series 1997 Bonds” or “Bonds”), in the original aggregate principal

amount of \$8,590,000, under the Act, to provide for the refunding of the outstanding principal amount of the Series 1987 Bonds. The Bonds are proposed to be sold pursuant to the terms of a Bond Purchase Agreement (the "Bond Purchase Agreement") among the City, the Company and Piper Jaffray, Inc. (the "Underwriter"). The proceeds derived from the sale of the Series 1997 Bonds will be loaned to the Company under the terms of a Loan Agreement, dated as of November 1, 1997 (the "Loan Agreement"), between the City and the Company, and the Company will direct the application of the proceeds of the loan to the redemption and prepayment of the Series 1987 Bonds.

1.05. Series 1997 Company Bonds. In conjunction with the issuance of the Series 1997 Bonds, the Company will issue its First Mortgage Bonds, Series 1997 (the "Series 1997 Company Bonds"), in the approximate original principal amount of \$3,450,000, under the terms of a Trust Indenture, dated as of November 1, 1997 (the "Company Indenture"), between the Company and First Trust National Association, as trustee (the "Trustee"), and apply the proceeds derived from the sale of the Series 1987 Company Bonds to finance certain costs of issuance of the Series 1997 Bonds and the Series 1997 Company Bonds, refinance the outstanding indebtedness of the Company under the Series 1987 Company Bonds, and finance other costs of the Company with respect to the Project.

1.06. Security for the Bonds. The basic payments to be made by the Company under the Loan Agreement will be fixed so as to produce revenue sufficient to pay the principal of, premium, if any, and interest on the Bonds when due. The City will assign its rights to the basic payments and certain other rights under the Loan Agreement to the Trustee as security for payment of the Bonds under an Indenture of Trust, dated as of November 1, 1997 (the "Indenture"), between the City and the Trustee. The Company will further secure the payment of the Bonds and the interest thereon, by delivering a Mortgage and Security Agreement, dated as of November 1, 1997 (the "Mortgage"), from the Company to the City (and assigned by the City to the Trustee), and an Assignment of Leases and Rents, dated as of November 1, 1997 (the "Assignment"), from the Company to the Trustee. The interests of the City in the Mortgage will be assigned to the Trustee under the terms of an Assignment of Mortgage and Security Agreement, dated as of November 1,

1997 (the "Assignment of Mortgage"), between the City and the Trustee.

1.07. Documents. Forms of the following documents have been submitted to the Council and are now on file with the City Clerk: (i) the Loan Agreement; (ii) the Indenture; (iii) the Mortgage; (iv) the Assignment; (v) the Assignment of Mortgage; and (vi) the Bond Purchase Agreement.

Section 2. Issuance of the Bonds.

2.01. Findings. The City Council hereby finds, determines, and declares that:

(a) The issuance and sale of the Bonds, the execution and delivery by the City of the Loan Agreement, the Mortgage, the Assignment of Mortgage, the Indenture, and the Bond Purchase Agreement, and the performance of all covenants and agreements of the City contained in the Loan Agreement, the Mortgage, the Assignment of Mortgage, the Indenture, and the Bond Purchase Agreement are undertaken pursuant to the Act.

(b) The Project furthers the purposes stated in Section 469.152 of the Act and refinances a "project" as defined in Section 469.153, subdivision 2(b), of the Act.

(c) The basic payments to be made by the Company under the Loan Agreement are fixed to produce revenue sufficient to provide for the prompt payment of principal of, premium, if any, and interest on the Bonds issued under the Indenture when due, and the Loan Agreement and Indenture also provide that the Company is required to pay all expenses of the operation and maintenance of the Project, including, but without limitation, adequate insurance thereon and insurance against all liability for injury to persons or property arising from the operation thereof, and all taxes and special assessments levied upon or with respect to the Project and payable during the term of the Loan Agreement and Indenture.

(d) As provided in the Loan Agreement and the Indenture, the Bonds shall not be payable from nor charged upon any funds other than the revenue pledged to their payment, nor shall the City be subject to any liability thereon, except as otherwise provided in this paragraph. No holder of any Bonds shall ever have the right to compel any exercise by the City of its taxing powers to pay any of the Bonds or the interest or premium thereon, or to enforce payment thereof against any property of the City except the interests of the City in the Loan Agreement and in the Mortgage which will be assigned to the Trustee under the Indenture. The Bonds shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any

property of the City, except the interests of the City in the Loan Agreement and the Mortgage which will be assigned to the Trustee under the Indenture. The Bonds shall recite that the Bonds are issued pursuant to the Act, and that the Bonds, including interest and premium, if any, thereon, are payable solely from the revenues pledged to the payment thereof, and the Bonds shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation.

2.02. Issuance and Sale of the Bonds. The City hereby authorizes the issuance of the Bonds, in the principal amount, in the form, and upon the terms and conditions set forth in the Indenture. The aggregate principal amount of the Bonds, the principal amount of Bonds maturing on each maturity date, the interest rates of the Bonds for each maturity date, and the terms of redemption of the Bonds may be established or modified with the approval of the City. The execution and delivery of the Bonds shall be conclusive evidence that the City has approved such terms as subsequently established or modified. The Bonds are hereby designated "Program Bonds" and are determined to be within the "Economic Development Program" and the "Program," all as defined in Resolution 88R-021 of the City adopted January 29, 1988. The offer of the Underwriter to purchase the bonds as provided in the Bond Purchase Agreement at par plus accrued interest to the date of delivery at the interest rate or rates specified in the Indenture is hereby accepted. The Company shall pay all fees and commissions due to the Underwriter. The Mayor, City Clerk, and Finance Officer are authorized and directed to prepare and execute the Bonds as prescribed in the Indenture and the Bonds shall be delivered to the Trustee for authentication and delivery to the Underwriter. The Finance Officer is hereby authorized to execute and deliver any agreements with any depository institution, including any representation letter or amendment to any existing representation letter, to provide for the registration of the Bonds in book-entry form.

2.03. Approval of Documents. The Loan Agreement, the Mortgage, the Assignment of Mortgage, the Bond Purchase Agreement, and the Indenture are hereby approved in substantially the forms on file with the City on the date hereof. The terms of the Loan Agreement, the Mortgage, the Assignment of Mortgage, the Bond Purchase Agreement, and the Indenture may be established or modified with the approval of the City. The execution and delivery of such documents shall be

conclusive evidence that the City has approved such terms as subsequently established or modified. The Mayor, City Clerk, and Finance Officer are authorized and directed to execute and deliver the Loan Agreement, the Mortgage, the Assignment of Mortgage, the Bond Purchase Agreement, and the Indenture. Copies of all of the documents necessary to the transaction herein described shall be delivered, filed and recorded as provided herein and in the Loan Agreement and Indenture.

2.04. Disclosure Documents. The City consents to the distribution of a Preliminary Official Statement and an Official Statement prepared with respect to the issuance of the Bonds. The Preliminary Official Statement and the Official Statement shall recite that the City has not participated in the preparation of the Official Statement nor made any independent investigation of the information contained in the Official Statement, and the City takes no responsibility for the sufficiency, accuracy or completeness of such information. The City hereby approves the execution and delivery of a Continuing Disclosure Agreement, dated as of November 1, 1997 (the "Continuing Disclosure Agreement"), between the Company and the Trustee, pursuant to which the Company will agree to meet certain continuing disclosure obligations imposed by Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934 (the "Rule"). The Company and the Trustee shall acknowledge in the Continuing Disclosure Agreement that the City has undertaken no responsibilities with respect to any reports, notices, or disclosures required under the Continuing Disclosure Agreement or the Rule.

2.05. Certifications of the City. The Mayor, City Clerk, Finance Officer, and other officers, employees, and agents of the City are hereby authorized and directed to prepare and furnish to bond counsel, the Underwriter, and the Trustee certified copies of all proceedings and records of the City relating to the issuance of the Bonds including a certification of this resolution. Such officers, employees, and agents are hereby authorized to execute and deliver, on behalf of the City, all other certificates, instruments, and other written documents that may be requested by bond counsel, the Underwriter, the Trustee, or other persons or entities in conjunction with the issuance of the Bonds. Without imposing any limitation on the scope of the preceding sentence, such officers, employees, and agents are specifically authorized

to execute and deliver one or more financing statements, an arbitrage and rebate certificate, a receipt for the proceeds derived from the sale of the Bonds, an order to the Trustee as to the application of the proceeds of the Bonds, a general certificate of the City, and an Information Return for Tax-Exempt Private Activity Bond Issues, Form 8038.

Section 3. Miscellaneous.

Section 3.01. Agreements Binding. All agreements, covenants, and obligations of the City contained in this resolution and in the above-referenced documents shall be deemed to be the agreements, covenants, and obligations of the City to the full extent authorized or permitted by law, and all such agreements, covenants, and obligations shall be binding on the City and enforceable in accordance with their terms. No agreement, covenant, or obligation contained in this resolution or in the above-referenced documents shall be deemed to be an agreement, covenant, or obligation of any member of the City Council, or of any officer, employee, or agent of the City in that person's individual capacity. Neither the members of the City Council, nor any officer executing the Bonds, shall be liable personally on the Bonds or be subject to any personal liability or accountability by reason of the issuance of the Bonds.

3.02. Rights Conferred. Nothing in this resolution or in the above-referenced documents is intended or shall be construed to confer upon any person (other than as provided in the Indenture and the other agreements, instruments, and documents hereby approved) any right, remedy, or claim, legal or equitable, under and by reason of this resolution or any provision of this resolution.

3.03. Validity. If for any reason the Mayor, Finance Officer, City Clerk, or any other officers, employees, or agents of the City authorized to execute certificates, instruments, or other written documents on behalf of the City shall for any reason cease to be an officer, employee, or agent of the City after the execution by such person of any certificate, instrument, or other written document, such fact shall not affect the validity or enforceability of such certificate, instrument, or other written document. If for any reason the Mayor, Finance Officer, City Clerk, or any other officers, employees, or agents of the City authorized to execute certificates, instruments, or other written documents on behalf of the City shall be unavailable to execute such certificates, instruments, or other written documents for any

reason, such certificates, instruments, or other written documents may be executed by a deputy or assistant to such officer, or by such other officer of the City as in the opinion of the City Attorney is authorized to sign such document.

3.04. Effective Date. This resolution shall take effect and be in force from and after its approval and publication.

Adopted. Yeas, 12; Nays, none.

Absent - Herron.

Passed October 24, 1997. J. Cherryhomes, President of Council.

Approved October 30, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev – Your Committee, having under consideration the division of the lot at 1222 Oliver Av N, and having conducted a public hearing thereon, now recommends passage of the accompanying resolution approving the division, waiving the requirement of a subdivision plat and directing that a copy of the resolution be attached to the deeds conveying the subdivided parcels. (Petr No 263185)

Your Committee further recommends that this action be transmitted to the Board of Commissioners of the Minneapolis Community Development Agency.

RESOLUTION 97R-327

By Niland

Approving the subdivision of a lot at 1222 Oliver Avenue North.

Whereas, the Minneapolis Community Development Agency (MCDA) has requested that a parcel of land located at 1222 Oliver Avenue North and legally described as:

Lot 21, Block 1, Oak Trees Addition to Minneapolis,

be subdivided as follows:

Parcel A: South 20 feet of Lot 21, Block 1, Oak Trees Addition to Minneapolis; and

Parcel B: Lot 21 except the South 20 feet thereof, Block 1, Oak Trees Addition to Minneapolis; and

Whereas, in the future the MCDA intends to convey the subdivided parcels to the owners of adjacent property legally described as:

Parcel A (1218 Oliver Avenue North)
Lot 20, Block 1, Oak Trees Addition to Minneapolis; and

Parcel B (1226 Oliver Avenue North)
Lot 22, Block 1, Oak Trees Addition to
Minneapolis; and

Whereas, the proposed subdivision conforms
with Minnesota Statutes Section 462.358 and Land
Subdivision Regulations adopted by the
Minneapolis City Council on July 14, 1995; and

Whereas, pursuant to due notice thereof
published in *Finance and Commerce* on October 2,
1997, a public hearing on said subdivision was duly
held in a joint meeting of the Community
Development Committee of the City Council
and the Operating Committee of the MCDA at 5:30
p.m., October 14, 1997, in Room 319, Minneapolis
City Hall, 350 South 5th Street, in the City of
Minneapolis, County of Hennepin, State of
Minnesota;

Now, Therefore, Be It Resolved by The City
Council of The City of Minneapolis:

That the division of the above described
property be approved and the requirement of a
subdivision plat be waived.

Be It Further Resolved that a certified copy of
this resolution shall be attached to the deeds
conveying the subdivided parcels.

Adopted. Yeas, 12; Nays, none.

Absent – Herron.

Passed October 24, 1997. J. Cherryhomes,
President of Council.

Approved October 30, 1997. S. Sayles Belton,
Mayor.

Attest: M. Keefe, City Clerk.

The **COMMUNITY DEVELOPMENT** and
WAYS & MEANS/BUDGET Committees
submitted the following reports:

Comm Dev & W&M/Budget – Your
Committee recommends that staff of the
Minneapolis Community Development Agency
(MCDA) be authorized to apply to the Metropolitan
Council for Metropolitan Livable Communities
Fund Tax Base Revitalization Account Grants, to be
used for contamination cleanup, in the amounts and
for the sites indicated:

North Star Woolen Mill, up to \$240,000;

Washburn Crosby Utility Building, up to
\$450,000;

Creamettes Building, up to \$175,000; and

Sears Site, up to \$1,750,000, with a minimum
request of \$885,000.

Your Committee further recommends that staff
of the MCDA be authorized to apply to the
Minnesota Department of Trade and Economic

Development for \$50,000 of Contamination
Cleanup Grant funds for the Washburn Crosby
Utility Building. (Petr No 263186)

Your Committee further recommends that this
action be transmitted to the Board of Commis-
sioners of the MCDA.

Adopted. Yeas, 12; Nays, none.

Absent – Herron.

Passed October 24, 1997.

Approved October 30, 1997. S. Sayles Belton,
Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev & W&M/Budget – Your
Committee, having under consideration the action
of the Neighborhood Revitalization Program (NRP)
Policy Board approving the use of Minneapolis
School's "second 7.5%" NRP funds to support
improvements at Barton School (Petr No 263188),
now recommends:

1. Approval of the use of \$48,000 of
Minneapolis School's "second 7.5%" NRP funds
for Barton School;

2. Passage of the accompanying resolution
increasing the NRP Program Fund (CNR) by
\$48,000;

3. That the proper City officers be authorized
to execute any agreements needed to implement
activities set forth in said Plan; and

4. That this action be transmitted to the Board
of Commissioners of the Minneapolis Community
Development Agency.

Adopted. Yeas, 12; Nays, none.

Absent – Herron.

Passed October 24, 1997.

Approved October 30, 1997. S. Sayles Belton,
Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 97R-328

By Niland and Campbell

**Amending The 1997 Minneapolis
Community Development Agency Appropriation
Resolution.**

Resolved by The City Council of The City of
Minneapolis:

That the above-entitled resolution, as
amended, be further amended by increasing Fund
CNR-NRP Program by \$48,000 from projected
fund balance.

Adopted. Yeas, 12; Nays, none.

Absent – Herron.

Passed October 24, 1997. J. Cherryhomes,
President of Council.

Approved October 30, 1997. S. Sayles Belton,
Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev & W&M/Budget – Your
Committee, having under consideration the action
of the Neighborhood Revitalization Program (NRP)
Policy Board approving the use of Minneapolis
School’s “second 7.5 %” NRP funds to support
improvements to the Olson Middle School
gymnasium (Petn No 263188), now recommends:

1. Approval of the use of \$10,000 of
Minneapolis School’s “second 7.5 %” NRP funds
for Olson Middle School gymnasium;

2. Passage of the accompanying resolution
increasing the NRP Program Fund (CNR) by
\$10,000;

3. That the proper City officers be authorized
to execute any agreements needed to implement
activities set forth in said Plan; and

4. That this action be transmitted to the Board
of Commissioners of the Minneapolis Community
Development Agency.

Adopted. Yeas, 12; Nays, none.

Absent – Herron.

Passed October 24, 1997.

Approved October 30, 1997. S. Sayles Belton,
Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 97R-329

By Niland and Campbell

**Amending The 1997 Minneapolis Commu-
nity Development Agency Appropriation
Resolution.**

Resolved by The City Council of The City of
Minneapolis:

That the above-entitled resolution, as
amended, be further amended by increasing Fund
CNR-NRP Program by \$10,000 from projected
fund balance.

Adopted. Yeas, 12; Nays, none.

Absent – Herron.

Passed October 24, 1997. J. Cherryhomes,
President of Council.

Approved October 30, 1997. S. Sayles Belton,
Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev & W&M/Budget – Your
Committee, having under consideration the action
of the Neighborhood Revitalization Program (NRP)
Policy Board approving the use of Hennepin
County’s “second 7.5 %” NRP funds to support
upgrades and changes needed at the new Whittier
Neighborhood Early Learning Center (NELC) (Petn
No 263188), now recommends:

1. Approval of the use of \$24,999 of Hennepin
County’s “second 7.5 %” NRP funds for the
Whittier NELC;

2. Passage of the accompanying resolution
increasing the NRP Program Fund (CNR) by
\$24,999;

3. That the proper City officers be authorized
to execute any agreements needed to implement
activities set forth in said Plan; and

4. That this action be transmitted to the Board
of Commissioners of the Minneapolis Community
Development Agency.

Adopted. Yeas, 12; Nays, none.

Absent – Herron.

Passed October 24, 1997.

Approved October 30, 1997. S. Sayles Belton,
Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 97R-330

By Niland and Campbell

**Amending The 1997 Minneapolis
Community Development Agency Appropriation
Resolution.**

Resolved by The City Council of The City of
Minneapolis:

That the above-entitled resolution, as
amended, be further amended by increasing Fund
CNR-NRP Program by \$24,999 from projected
fund balance.

Adopted. Yeas, 12; Nays, none.

Absent – Herron.

Passed October 24, 1997. J. Cherryhomes,
President of Council.

Approved October 30, 1997. S. Sayles Belton,
Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev & W&M/Budget - Your
Committee, having under consideration the Rose
Court Townhomes and Stinson Market Place
Project, for which the Council directed staff to
negotiate a redevelopment contract on April 25,

1997 and approved Modification 49 to the Common Plan which created a Tax Increment District for the Project on June 27, 1997, now recommends:

1. approval of revised business terms of the project financing which include the use of the Leveraged Investment Fund as a loan source of financing the associated public improvements up to \$550,000;
2. that the Executive Director of the Minneapolis Community Development Agency (MCDA) be authorized to direct her staff to prepare a plan modification to the Modification No 49 of the Common Project, if it is necessary.
3. passage of the accompanying resolution increasing the Neighborhood Dev Acct Fund (FNA) appropriation by \$550,000 from available fund balances.
4. reallocating up to \$29,000 from 1997 Development Account Fund (SDA) from the GMMHC Century Homes Program for the LGA/HACA match. (Petr No 263187)
5. transmittal of this action to the Board of Commissioners of the MCDA.

Adopted. Yeas, 12; Nays, none.

Absent - Herron.

Passed October 24, 1997.

Approved October 24, 1997. S. Sayles
Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published October 28, 1997).

RESOLUTION 97R-331

By Niland and Campbell

Amending The 1997 Minneapolis Community Development Agency Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in Fund FNA-Development Account Fund by \$550,000 from available fund balance.

Adopted. Yeas, 12; Nays, none.

Absent - Herron.

Passed October 24, 1997. J. Cherryhomes,
President of Council.

Approved October 24, 1997. S. Sayles
Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published October 28, 1997)

The **INTERGOVERNMENTAL
RELATIONS** Committee submitted the following report:

IGR – Your Committee recommends passage of the accompanying Resolution communicating to the Minnesota Legislature the concerns and objections held by the City of Minneapolis regarding proposals to recodify the State's criminal code.

RESOLUTION 97R-332

**By Rainville, Dziedzic, Campbell,
Cherryhomes, Thurber, Minn,
Schulstad, Niland, Biernat, Scott,
Herron, McDonald, Mead**

Communicating to the Minnesota Legislature the concerns and objections held by the City of Minneapolis regarding proposals to recodify the State's criminal code.

Whereas, the City of Minneapolis is aggressively enforcing livability crimes within the City; and

Whereas, the Minnesota Legislature is now hearing proposals to restructure and recodify the State's criminal code in accordance with proposals developed by the Nonfelony Enforcement Advisory Committee (NEAC); and

Whereas, said proposals are contrary to efforts by the City of Minneapolis to hold chronic offenders accountable for conduct which undermines the safety and livability of City neighborhoods and retail areas; and

Whereas, the NEAC proposals would reduce the maximum incarceration penalty available to punish many nonfelony offenses; and

Whereas, the NEAC proposals would reduce the maximum penalty for all municipal ordinance violations from 90 days to 30 days, without regard to the nature or seriousness of the prohibited conduct; and

Whereas, the NEAC proposals decriminalize thefts of \$100 or less and the City Council of the City of Minneapolis believes that all thefts should remain criminal offenses; and

Whereas, the NEAC proposals would create 5 levels of nonfelony offenses in place of the existing 3 levels, increasing the complexity of the criminal justice system; and

Whereas, there is no evidence that existing sentencing practices fail to utilize appropriate discretion within the 3 currently established levels of nonfelony offenses; and

Whereas, the NEAC proposals increase the dollar value at which theft and other property crimes become felony offenses from \$501 to \$3,000 which would result in many offenses being charged as nonfelonies that would currently be charged at the felony level; and

Whereas, the City Council of the City of Minneapolis has serious doubts about the wisdom of such a drastic increase in the amount of loss that must be sustained before a property crime may be charged at the felony level; and

Whereas, prosecutorial jurisdiction for nonfelony offenses in Minneapolis lies with the City and for felony offenses lies with the Hennepin County Attorney's Office, said increase in the volume of nonfelony offenses would result in a significant shift in caseload and costs from Hennepin County to the City of Minneapolis for which the NEAC proposals fail to ensure adequate revenue and resources to effectively prosecute this increased caseload; and

Whereas, the NEAC proposals would require law enforcement agencies to destroy or return booking records and photos made to identify petty misdemeanor violators, said proposal being detrimental to the integrity of the identification process and legitimate law enforcement use of identification data;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That these concerns and objections regarding the NEAC proposals be communicated to the Minnesota Legislature.

Adopted. Yeas, 13; Nays none.

Passed October 24, 1997. J. Cherryhomes,
President of Council.

Approved October 30, 1997. S. Sayles Belton,
Mayor.

Attest: M. Keefe, City Clerk.

The **INTERGOVERNMENTAL RELATIONS, TRANSPORTATION & PUBLIC WORKS and WAYS & MEANS/ BUDGET** Committees submitted the following report:

IGR, T&PW & W&M/Budget – Your Committee, having under consideration development of the Greyhound/Jefferson Terminal Site, now recommends that Intergovernmental Relations staff be directed to pursue discussion with state and federal agencies to assist in identifying grants for said development and further recommends that the matter be assigned a Priority

A, in terms of lobbying initiative, in accordance with levels more fully set forth in Petn No 253646, defining Priority A as a major issue for the City on which considerable staff effort is expected.

Adopted. Yeas, 13; Nays none.

Passed October 24, 1997.

Approved October 30, 1997. S. Sayles Belton,
Mayor.

Attest: M. Keefe, City Clerk.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

PS&RS – Your Committee, having under consideration applications from the following persons for one City Council appointment to serve on the Civilian Police Review Authority (CPRA) for a 4-year term to expire June 30, 2001, and having held a public hearing thereon, now recommends that the following application(s) be sent forward without recommendation:

Mark William Matthews, Ph.D., 117 W 15th St, Ward 7.

Joseph Barisonzi, 3409 Blaisdell Av S, Ward 10.

Biernat moved that the report be postponed.
Seconded.

Adopted upon a voice vote.

PS&RS – Your Committee recommends granting the following applications for liquor, wine and beer licenses:

Off-Sale Liquor, to expire April 1, 1998

Micky's Liquor Store, Inc, dba Micky's Liquor Store, 1104 Plymouth Av, internal transfer of shares, new shareholder/partner, new corporate officer;

Off-Sale Liquor, to expire October 1, 1998

Brothers Greer, Inc, dba Witt's Liquors, 27 S 7th St;

Hilton Hotels Corporation, dba Minneapolis Hilton, 1001 Marquette Av;

Dinkytown Wine & Spirits, Inc, dba Dinkytown Wine & Spirits, 1412 SE 5th St;

On-Sale Liquor Class A with Sunday Sales, to expire October 1, 1998

City Center Hotel Ltd Partnership, dba Marriott City Center Minneapolis, 30 S 7th St;

Lee Consultants Ltd, dba Sticks, 708-716 N 1st St;

Hilton Hotels Corporation, dba Minneapolis Hilton & Towers, 1001 Marquette Av;

Michael A. Yacoub, dba Fowl Play, 1301 SE 4th St;

On-Sale Liquor Class B with Sunday Sales, to expire October 1, 1998

Medich Enterprises, Inc, dba Sparky's Bar & Grill, 2001 University SE;

German Restaurants, Inc, dba Gasthof Zur Gemutlichkelt, 2300 University NE;

On-Sale Liquor Class C-1, with Sunday Sales, to expire October 1, 1998

Table of Contents, Inc, dba Table of Contents, 1310 Hennepin Av;

On-Sale Liquor Class C-2, with Sunday Sales, to expire October 1, 1998

Pickled Parrot, Inc, dba Pickled Parrot, 26 N 5th St;

On-Sale Liquor Class E with Sunday Sales, to expire July 1, 1998

U Otter Stop Inn, Inc, dba U Otter Stop Inn, 617 Central Av NE, change in ownership from 617 Saloon, Inc;

On-Sale Liquor Class E with Sunday Sales, to expire October 1, 1998

Zou Zou, Inc, dba Cafe Un Deux Trols, 114 S 9th St, Foshay Tower;

Ruth's Chris Steak House #14, Inc, dba Ruth's Chris Steak House, 920 2nd Av S;

Creative Restaurants, Inc, dba Bullwinkle's, 1429 Washington Av S, 1st floor;

Glenda Corporation, dba Mortimer's Bar & Restaurant, 2001-2009 Lyndale Av S;

Original Broadway Station, Inc, dba Broadway Station, 2025 W River Road N;

Streamline Bar, Inc, dba Jimmy's, 3675 Minnehaha Av;

Temporary On-Sale Liquor, to expire March 31, 1998

Theatre De La Jeune Lune, dba Theatre De La Jeune Lune, 105 N 1st St, 10/31/97, 7PM-1AM; and

On-Sale Wine Class E with Strong Beer, to expire April 1, 1998

Fuji Two, Inc, dba Fuji Ya, 2640 Lyndale Av S, change in ownership from Food Service Innovators of St. Peter.

Adopted. Yeas, 13; Nays none.

Passed October 24, 1997.

Approved October 24, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published October 29, 1997)

PS&RS – Your Committee recommends granting the following applications for business

licenses as per list on file and of record in the Office of the City Clerk under date of October 24, 1997, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 263195):

Place of Amusement Class A; Place of Amusement Class B-1; Place of Amusement Class B-2; Place of Amusement Class C; Building Contractor Class A; Building Contractor Class B; Check Cashing Facilities; Christmas Tree; Laundry; Dry-Wall Contractor; Place of Entertainment; Fire Extinguisher Class A; Fire Extinguisher Class B; All-Night Special Food; Caterers; Confectionery; Grocery; Food Manufacturer; Restaurant; Short-Term Food Permit; Seasonal Short-Term Food Establishment; Vending Machines; Gasoline Filling Station; Going Out of Business Sale; Hotel; Musical Juke Box; Lodging House; Lodging with Boarding House; Motor Vehicle Dealer – Motorcycles; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Access Use; Refrigeration Installer; Second-Hand Goods Dealer; Multiple Second-Hand Goods Dealer; Solicitor-Individual; Suntanning Facilities; Tattooing; Taxicab Limited; Taxicab Vehicle; Theater-Zone I; Theater-Zone II; Theater-Zone III; and Tobacco Dealers.

Adopted. Yeas, 13; Nays none.

Passed October 24, 1997.

Approved October 30, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee recommends granting the following applications for gambling licenses, subject to final inspection and compliance with all provisions of the applicable codes and ordinances:

Gambling-Lawful Class B

Air Force Association, E W Rawlings Chapter, 3620 Central Av NE, site: Richie's, 2211 Lowry Av N;

Minnesota/USA Wrestling, Inc, 2801 Wayzata Blvd #101, site: 4th St Saloon, 328 W Broadway;

Gambling Lawful Exempt

Minnesota Food Bank Network, 3585 N Lexington Av #310, Arden Hills, raffle at Target Center, 11/16/97;

St. Hedwig Rosary Society, 129 29th Av NE, raffle, 12/7/97; and

Church of the Holy Rosary, 2424 18th Av S, bingo, 11/9/97.

Adopted. Yeas, 13; Nays none.

Passed October 24, 1997.

Approved October 30, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee, having under consideration the Rental Dwelling License of David Dosse for the property located at 2911 Dupont Av N, now recommends that said license be denied due to substandard conditions.

Your Committee further recommends that said property be vacated until such time as the property owner complies with standards of Chapter 244.1920 of the Minneapolis Code of Ordinances and receives approval from the City Council for reinstatement of said license.

Adopted. Yeas, 13; Nays none.

Passed October 24, 1997.

Approved October 30, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee, having under consideration the Rental Dwelling License of Gary W. Peterson for the property located at 2620 Emerson Av N, and having received Findings of Fact, Conclusions and Recommendations arising from a Rental Dwelling License Board of Appeals hearing held on September 16, 1997, now recommends adoption of the Recommendation that the Rental Dwelling License held by Gary W. Peterson for the premises at 2620 Emerson Av N, Minneapolis, be revoked.

Your Committee further recommends that said property be vacated until such time as the property owner complies with standards of the Minneapolis Code of Ordinances and receives approval from the City Council for reinstatement of said license.

Adopted. Yeas, 13; Nays none.

Passed October 24, 1997.

Approved October 30, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee, having under consideration the Rental Dwelling License of Eugenia Davis for the property located at 409 31st Av N, now recommends denial of said license due to substandard conditions.

Your Committee further recommends that said property be vacated until such time as the property owner complies with standards of Chapter 244.1920 of the Minneapolis Code of Ordinances

and receives approval from the City Council for reinstatement of said license.

Adopted. Yeas, 13; Nays none.

Passed October 24, 1997.

Approved October 30, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee recommends concurrence with the recommendation of the City Council to reappoint the following persons to serve on the Rental Dwelling License Board of Appeals for 2-year terms to expire August 31, 1999:

Clint Blaiser, 941 Gorman Av, West St. Paul, Residential Building Businessman; and

Steven Schachtman, 2121 Austrian Pine Lane, Minnetonka, Real Estate Manager.

Your Committee further recommends that the residency requirement be waived, pursuant to Chapter 14, Section 14.180(m)(3) of the Minneapolis Code of Ordinances, which allows a waiver for persons providing a unique and special benefit to the City.

Adopted. Yeas, 13; Nays none.

Passed October 24, 1997.

Approved October 30, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee, having under consideration the following properties creating nuisance conditions within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, and having determined that rehab of said properties is not feasible, now recommends that the proper City officers be authorized to raze the following properties, as more fully set forth in the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference:

a) 2930 Aldrich Av N, Lot 23, Block 1, Harmony Terrace Addition;

b) 2130 Aldrich Av N, Lot 16, Block 5, Highland Park Addition; and

c) 1401 21st St E, W 38.4' of Lot 5, Block 7, Eliot's Addition.

Adopted. Yeas, 13; Nays none.

Passed October 24, 1997.

Approved October 30, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee, having under consideration the Off-Sale Liquor License held by

Little Judge's Liquor Store, Inc, dba Little Judge's Liquor Store, 741 E 14th St, and having received Findings of Fact, Conclusions and Recommendations arising from a Technical Advisory Committee (TAC) hearing thereon, now recommends adoption of the TAC recommendations, as more fully set forth in said Findings which are on file in the Office of the City Clerk and made a part of this report by reference.

Adopted. Yeas, 13; Nays none.

Passed October 24, 1997.

Approved October 30, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee, having under consideration the Second-Hand Goods Dealer's License held by Grow Biz International, dba Music Go Round/Computer Renaissance, 1305 W Lake St, and having received Findings of Fact, Conclusions and Recommendations arising from a Technical Advisory Committee (TAC) hearing thereon, now recommends adoption of the TAC recommendations, as more fully set forth in said Findings which are on file in the Office of the City Clerk and made a part of this report by reference.

Adopted. Yeas, 13; Nays none.

Passed October 24, 1997.

Approved October 30, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **PUBLIC SAFETY & REGULATORY SERVICES, TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following report:

PS&RS, T&PW & W&M/Budget - Your Committee, having under consideration property acquisition for the Precinct No 5 Building Project, now recommends that the proper City officers be authorized to issue payment to Churchill Land Company, Inc, Richard Eitel, as settlement for the property located at 3101-03 Nicollet Av S, Parcel #1, in the amount of \$180,000, payable from Permanent Improvement Projects - Public Works General Services - Capital Agency (410-923-9242).

Adopted. Yeas, 13; Nays none.

Passed October 24, 1997.

Approved October 24, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published October 28, 1997)

The **PUBLIC SAFETY & REGULATORY SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following report:

PS&RS & W&M/Budget – Your Committee recommends that the proper City officers be authorized to execute a lease agreement with an established provider of leased vehicles for 7 undercover vehicles, to be used by officers assigned to the Metro Gang Task Force, with grant funding to be provided by the State, in the amount of \$67,000.

Adopted. Yeas, 13; Nays none.

Passed October 24, 1997.

Approved October 30, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **TRANSPORTATION & PUBLIC WORKS** Committee submitted the following reports:

T&PW – Your Committee recommends passage of the accompanying Resolution adopting the assessments, levying the assessments and adopting the assessment roll for the unpaid charges for the cleanups of the areas around the Solid Waste Collection Points on the list of properties set forth in Petn No 263201.

Your Committee further recommends summary publication of the above-described Resolution.

Adopted. Yeas, 12; Nays none.

Absent – Biernat.

Passed October 24, 1997.

Approved October 30, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 97R-333, adopting the assessments, levying the assessments and adopting the assessment roll for the unpaid charges for the cleanups of the areas around the Solid Waste Collection Points on the list of properties set forth in Petn No 263201, was passed October 24, 1997 by the City Council and approved October 30, 1997 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 97R-333

By Dziedzic

Adopting the assessments, levying the assessments and adopting the assessment roll for the unpaid charges for the cleanups of the areas around the Solid Waste Collection Points on the list of properties set forth in Petn No 263201.

Whereas, a public hearing was held on October 16, 1997 in accordance with Sections 225.660 and 225.690 of the Minneapolis Code of Ordinances to consider the proposed assessments as shown on the proposed assessment roll on file in the Office of the City Clerk and to consider all written and oral objections and statements regarding this matter;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proposed assessment for 5056 Washburn Avenue South (PID #17-028-24-42-0100) in the amount of \$52.50 be waived.

Be It Further Resolved that the proposed assessments against the affected properties on the list dated September 24, 1997 set forth in Petn No 263201, in the total amount of \$6,388.95, and as shown on the proposed assessment roll on file in the Office of the City Clerk be and hereby is revised to \$6,336.45 and are adopted and levied as revised herein.

Be It Further Resolved that the revised assessments, in the amount of \$6,336.45, be collected in one (1) installment on the 1998 real estate tax statements with interest charged at the rate of 5%.

Be It Further Resolved that the assessment roll as prepared by the City Engineer be and hereby is revised to \$6,336.45 and adopted as revised herein and that the City Clerk is hereby directed to transmit a certified copy of said revised assessment roll to the Hennepin County Auditor.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed October 24, 1997. J. Cherryhomes, President of Council.

Approved October 30, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW – Your Committee, having under consideration a program that was developed to address cleanup from storm damage to properties and having received a request from Nick Fragale

of 3935 Russell Avenue North for assistance for storm damaged tree removal from the July 1997 storms, now recommends that the tree contractor's bill, in the amount of \$1,889, be paid and that the expense incurred be reimbursed to the City through special assessment against the property to be collected over a five-year period with interest.

Adopted. Yeas, 12; Nays none.

Absent – Biernat.

Passed October 24, 1997.

Approved October 30, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW -Your Committee recommends that the following persons be appointed to the Nicollet Avenue South Special Service District Advisory Board with terms to expire December 31, 1998, as provided for in Section 448.90, paragraph (a) of the Minneapolis Code of Ordinances:

a. Tammy Wong, Rainbow Chinese Restaurant, 2750 Nicollet Av S;

b. Ali Alowonle, Classique Companies, 2403 Nicollet Av S;

c. Joanne Christ, Black Forest Inn, 1 E 26th Street;

d. Tom Berthiaume, Parallel Productions, Inc., 2010 1st Av S;

e. Diane Woelm, Greatapes, 1523 Nicollet Av S;

f. Paul Richard Prenevost, representing Kirt Properties, 1407 Nicollet Av;

g. Stephen Wellington, Jr., Board Member representing Plymouth Congregational Church, 1900 Nicollet Av S;

h. Stephen A Frenz, JAS Apartments, Inc., 1 E 19th St;

i. Mansoor Alyeshmerni, property owner of 2110 Nicollet Av S; and

j. Georgine Danner, resident of 1355 Nicollet Av S (alternate).

Adopted. Yeas, 12; Nays none.

Absent – Biernat.

Passed October 24, 1997.

Approved October 30, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW – Your Committee, having under consideration the lease of a portion of Beacon St SE betw Ontario St SE & University Av SE with Twin City Tile and Marble Company, 2218 University Av SE, for use as a private parking lot,

now recommends that the proper City Officers be authorized to assign the Twin City Tile and Marble Lease to the University of Minnesota and reduce the liability insurance amount from \$2 million to \$1 million.

Your Committee further recommends that the City finds that the use of the parking lot by the University of Minnesota as the new assignee of the lease is in compliance with the lease provision as used by Twin City Tile and Marble Company.

Adopted. Yeas, 12; Nays none.

Absent – Biernat.

Passed October 24, 1997.

Approved October 30, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW – Your Committee recommends approval of the request of Hans F. Kuhlmann, President of Seven on France, LLC, for the City of Minneapolis to allow water service connections for the “8 on France” Condominium Project located at 5120 France Av S in Edina.

Adopted. Yeas, 12; Nays none.

Absent – Biernat.

Passed October 24, 1997.

Approved October 30, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW – Your Committee requests unanimous consent to introduce an Ordinance amending “**An Ordinance designating and fixing the names of the several streets in the City of Minneapolis**”, passed August 18, 1887, as amended, which designates the naming of a public alley in Block 11, Town of Minneapolis Addition as “Azine Alley”, for first reading.

Your Committee further recommends that said Ordinance be given its second reading for amendment and passage.

Your Committee further recommends that a policy be developed whereby the word “Alley” shall be appended to alley names in order to maintain a legal, identifiable designation.

Adopted. Yeas, 12; Nays none.

Absent – Biernat.

Passed October 24, 1997.

Approved October 30, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

ORDINANCE 97-Or-084

By Dziedzic

1st & 2nd Readings: 10/24/97

Amending an Ordinance entitled “An Ordinance designating and fixing the names of the several streets in the City of Minneapolis”, passed August 18, 1887, as amended.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 1 of the above entitled Ordinance, as amended, be further amended by adding at the end thereof the following:

Subd No. 260. That the existing 16 foot wide public alley in Block 11, Town of Minneapolis Addition, lying between 1st Ave N and 2nd Ave N, shall hereafter be known and designated as “Azine Alley”.

Adopted. Yeas, 12; Nays none.

Absent – Biernat.

Passed October 24, 1997. J. Cherryhomes, President of Council.

Approved October 30, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW – Your Committee, having under consideration the proposed special assessment for public sidewalk repair and construction in the amount of \$352.44 for the property at 2844 16th Av S (PID #35-029-24-44-0024) postponed from the September 18, 1997 public hearing, now recommends that the proposed assessment be waived.

Adopted. Yeas, 12; Nays none.

Absent – Biernat.

Passed October 24, 1997.

Approved October 30, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW – Your Committee recommends passage of the accompanying Resolution reducing special assessments on certain properties in the Perkins Hill Residential Paving Area, Special Improvement of Existing Street No 2726.

Your Committee further recommends summary publication of the above-described Resolution.

Adopted. Yeas, 12; Nays none.

Absent – Biernat.

Passed October 24, 1997.
Approved October 30, 1997. S. Sayles
Belton, Mayor.
Attest: M. Keefe, City Clerk.

Resolution 97R-334, reducing special assessments on certain properties in the Perkins Hill Residential Paving Area, Special Improvement of Existing Street No 2726, was passed October 24, 1997 by the City Council and approved October 30, 1997 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 97R-334
By Dziedzic

**SPECIAL IMPROVEMENT OF EXISTING
STREET NO 2726**

**Reducing special assessments on certain
properties in the Perkins Hill Residential Paving
Area.**

Whereas, the City Engineer has recommended reducing the special assessments on the hereinafter described properties as contained in Petn No 263200 on file in the Office of the City Clerk;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the special assessments for Levy No 01026, Project No 2726, be reduced in the principal amount of \$1,767 together with excess interest paid in 1996 and 1997 in the amount of \$182.63 and that the total reduction amount of \$1,949.63 be applied to reduce the 18 year assessment balance as follows:

- a. 3719 4th St N, PID 03-029-24-33-0185, by \$572.10 from \$1,102.50 to \$530.40;
- b. 3727 4th St N, PID 03-029-24-33-0182, by \$364.11 from \$551.24 to \$187.13;
- c. 3731 4th St N, PID 03-029-24-33-0177, by \$493.74 from \$551.24 to \$57.50;
- d. 3735 4th St N, PID 03-029-24-33-0180, by \$519.68 from \$551.24 to \$31.56.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed October 24, 1997. J. Cherryhomes,
President of Council.

Approved October 30, 1997. S. Sayles
Belton, Mayor.
Attest: M. Keefe, City Clerk.

T&PW – Your Committee recommends that the report passed by the Council on September 26, 1997 authorizing execution of a contract with SKB Environmental for disposal of leaves be rescinded and that the following language be adopted to reflect the complete contract terms:

That the proper City Officers be authorized to execute a contract with SKB Environmental to accept leaves collected during the 1997 Fall Sweep, with the potential to extend the contract, at the sole option of the City of Minneapolis, for calendar years 1998 and 1999. The contract unit price for disposal of leaves is \$23 per ton for 1997, and \$24 per ton for 1998 and 1999, for an estimated annual expenditure of approximately \$140,000, depending upon seasonal leaf amounts.

Adopted. Yeas, 12; Nays none.

Absent – Biernat.

Passed October 24, 1997.

Approved October 30, 1997. S. Sayles
Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW - Your Committee, having under consideration the U.S. Courthouse Pedestrian System Improvement Project (SP 141-341-04), now recommends approval of a change order, amounting to \$47,520.50, for work performed by Cy-Con Incorporated as part of the pedestrian facilities serving the new U.S. Courthouse, as listed in Petn No 263201 on file in the Office of the City Clerk. Further, that the proper City Officers be authorized to increase the contract with Cy-Con by \$47,520.50 for a total contract amount not to exceed \$440,231.50, payable from PW - Transportation - Capital (410-943-9464).

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed October 24, 1997.

Approved October 24, 1997. S. Sayles
Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published October 28, 1997)

T&PW – Your Committee recommends passage of the accompanying Resolution adopting assessments for unpaid Water, Sewer and Solid Waste Charges on the list of properties set forth in Petn No 263200 on file in the Office of the City Clerk.

RESOLUTION 97R-335

By Dziedzic

Adopting assessments for unpaid Water, Sewer and Solid Waste Charges on the list of properties set forth in Petn No 263200 on file in the Office of the City Clerk.

Whereas, a public hearing was held on October 20, 1997 in accordance with Section 225.660 of the Minneapolis Code of Ordinances to consider the proposed assessments as listed on the proposed assessment roll hereinafter noted and to consider all written and oral objections and statements regarding this matter;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following proposed assessments be adjusted:

a. 2610 Irving Avenue North (PID #09-029-24-34-0189): Reduce the assessment by \$464.75, from \$1,876.75 to \$1,412;

b. 2915 18th Avenue North (PID #17-029-24-42-0196): Remove \$856.78 from the assessment roll to allow the owner to pursue action against the former owner in Conciliation Court;

c. 416 Morgan Avenue North (PID #21-029-24-32-0209): Waive the reduced assessment of \$510.04;

d. 421 Morgan Avenue North (PID #21-029-24-32-0204): Reduce the assessment by \$847.19, from \$1,687.19 to \$840;

e. 3306 Chicago Avenue South (PID #02-028-24-23-0059): Reduce the assessment by \$1,121.22 from \$3,121.22 to \$2,000;

f. 3817 Clinton Avenue (PID #10-028-24-11-0162): Remove \$1,326.90 from the assessment roll in order to set up payment arrangements; if unsuccessful, assess to taxes in 1998;

g. 3816 Columbus Avenue (PID #11-028-24-22-0130): Assess \$885.01 to taxes, which will be removed from the assessment roll if payment arrangements are successful;

h. 3204 Pleasant Avenue (PID #03-028-24-23-0009): Remove \$258.39 from the assessment roll in order to set up payment arrangements; if unsuccessful, assess to taxes in 1998;

i. 4900 29th Avenue South (PID #13-028-24-14-0021): Reduce the assessment by \$452.67, from \$905.34 to \$452.67;

j. 4621 Xerxes Avenue South (PID #17-028-24-12-0107): Reduce the assessment by \$397.01, from \$794.02 to \$397.01.

Be It Further Resolved that the proposed assessments against the affected properties on the list set forth in Petn No 263200, in the total amount of \$337,251.81, and as shown on the proposed assessment roll on file in the Office of the City Clerk be and hereby is revised to \$330,753.13 and are adopted and levied as revised herein.

Be It Further Resolved that the revised assessments, in the amount of \$330,753.13, be collected in one (1) installment on the 1998 real estate tax statements.

Be It Further Resolved that the assessment roll as prepared by the City Engineer be and hereby is revised to \$330,753.13 and adopted as revised herein and that the City Clerk is hereby directed to transmit a certified copy of said revised assessment roll to the Hennepin County Auditor.

Adopted. Yeas, 12; Nays none.

Absent – Biernat.

Passed October 24, 1997. J. Cherryhomes, President of Council.

Approved October 30, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

T&PW & W&M/Budget - Your Committee recommends acceptance of the low bid received on OP #4714 (Petn No 263205) submitted by Doody Mechanical, Inc., in the amount of \$343,300, to provide all labor, materials, equipment and incidentals necessary to accomplish the chiller installation project at the Public Service Center, including the Base Bid and Alternates M2 and M3, all in accordance with City specifications. Your Committee further recommends that the proper City Officers be authorized to execute a contract for said project, all in accordance with specifications prepared by Cain Ouse Associates, Inc.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed October 24, 1997.

Approved October 24, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published October 28, 1997)

T&PW & W&M/Budget – Your Committee recommends acceptance of low bid meeting

specifications received on OP #4698 (Petr No 263205) submitted by Crysteel Truck Equipment, in the amount of \$451,398, for furnishing and installing eighteen (18) dump bodies on City owned trucks, all in accordance with City specifications. Vendor offers to extend terms and conditions for six (6) months from date of purchase order.

Adopted. Yeas, 12; Nays none.

Absent – Biernat.

Passed October 24, 1997.

Approved October 30, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget – Your Committee, having under consideration the “Replace Air Conditioning at Public Service Center Building Project” and having received capital funds for said project in the 1996 Capital Improvement Program, now recommends approval of the use of \$92,095 from the 1997 GM-1 Capital Appropriation to supplement funding for said Air Conditioning Project. Further, that the 1997 “Public Service Center Curtainwall Caulking Project” be deferred to calendar year 1998.

Adopted. Yeas, 12; Nays none.

Absent – Biernat.

Passed October 24, 1997.

Approved October 30, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget – Your Committee recommends that the proper City Officers be authorized to execute a Professional Services Agreement with Camp, Dresser, McKee, Inc., in an amount not to exceed \$104,856, for engineering and architectural services for the design and construction management of Pump Station No 9, payable from PW – Water – Capital (740-950-9515).

Adopted. Yeas, 12; Nays none.

Absent – Biernat.

Passed October 24, 1997.

Approved October 30, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget – Your Committee, having under consideration the Quarry Development in Northeast Minneapolis located north of I-35W and adjacent to Johnson St NE, 18th Av NE and New Brighton Blvd, now recommends:

a. Passage of the accompanying amendment to the 1997 Capital Improvement Appropriation Resolution to provide an additional Municipal State Aid Appropriation of \$1,310,000, as set forth in Petr No 263204 on file in the Office of the City Clerk;

b. Accept the petition of Ryan Co to be assessed \$260,000 for improvements adjacent to the Quarry Site;

c. Return the Ryan “Petition for Berming and Landscaping within the Quarry Project 1500 – 1730 New Brighton Boulevard”, and Direct the City Engineer to write a letter explaining that the items requested in the petition will be completed with local funding;

d. Direct the City Engineer to prepare a report to the Transportation & Public Works and Ways and Means/Budget Committees whereby \$217,000 of City funds would be transferred from other 1998 Public Works capital proposals. Said report is to be submitted prior to the 1998 Capital Budget Review by the City Council;

e. Authorize the City Attorney and City Engineer to prepare an interagency agreement with the Minneapolis Community Development Agency (MCDA) for payment of \$104,500 by the City to MCDA for constructing a berm with a bike path and landscaping adjacent to 18th Av NE and the Quarry development site. Further, authorize and direct the proper City Officers to execute the above said agreement upon the City appropriating funds for said improvement.

Adopted. Yeas, 12; Nays none.

Absent – Biernat.

Passed October 24, 1997.

Approved October 30, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 97R-336 By Dziedzic and Campbell

Amending The 1997 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the following appropriations in the Permanent Improvement Projects Fund (410) for the Johnson St and 18th Av NE (NE Retail) Paving Project:

a. PW – Streets & Malls Capital Agency (410-937-9372) by \$1,078,000;

b. PW – Sewer Construction Capital Agency (410-932-9322) by \$2,000;

c. PW Transportation Capital (410-943-9440) by \$230,000.

The above increases will be reimbursable from Municipal State Aid funds and revenue budgets in Source 3215 should be increased in each area accordingly.

Adopted. Yeas, 12; Nays none.

Absent – Biernat.

Passed October 24, 1997. J. Cherryhomes, President of Council.

Approved October 30, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:

W&M/Budget – Your Committee, having reviewed the *Priorities '98* document (Petr No 263212) and having received comments from the City Council Policy Committees, now recommends adoption of said document and that it be referred, with comments, to the Mayor.

Adopted. Yeas, 12; Nays none.

Absent – Biernat.

Passed October 24, 1997.

Approved October 30, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends acceptance of the only bid received on OP #4707 (Petr No 263214) submitted by Upstanding Systems, for an estimated expenditure of \$55,000, for furnishing and delivering connectivity software licenses to the Information and Technology Services (ITS) Department over an 18 month period, all in accordance with City specifications.

Adopted. Yeas, 12; Nays none.

Absent – Biernat.

Passed October 24, 1997.

Approved October 30, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends that the proper City officers be authorized to execute an amendment to City Contract #8683 with American Management Systems by increasing the amount of the contract by \$225,000. The contract amendment represents a change from the previously authorized upgrade to the FISCOL system (2.0/Client Server) to the new Oracle version of ADVANTAGE/Financial upgrade. The increased costs will be paid from the current level operating budget of the Finance Department over a period of three years.

Adopted. Yeas, 12; Nays none.

Absent – Biernat.

Passed October 24, 1997.

Approved October 30, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends passage of the accompanying amendments to the **Salary Ordinance** establishing the salary for the following reclassified positions, based on studies of the positions conducted by the Department of Human Resources:

a) Office Support Specialist II;

b) Election Properties Maintenance Technician; and

c) Financial Records Supervisor.

ORDINANCE 97-Or-085
By Campbell
1st & 2nd Readings: 10/24/97

Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.

The City Council of The City of Minneapolis do ordain as follows:
 Section 1. That the following classifications in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Bi-Weekly Rates)
 AFSCME Local 9 (COO9)
 Effective August 14, 1997

FLSA	OTC	CLASSIFICATION	1st Step	2nd Step	3rd Step	4th Step	5th Step	6th Step	7th Step
Add:									
N	3	Office Support Specialist II	1011	1062	1115	1171	1230	1292	1356
N	3	Office Support Specialist III	1083	1137	1194	1253	1316	1382	1451

Delete:									
N	3	Office Support Specialist	1083	1137	1194	1253	1316	1382	1451

Adopted. Yeas, 12; Nays none.

Absent – Biernat.

Passed October 24, 1997. J. Cherryhomes, President of Council.

Approved October 30, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

ORDINANCE 97-Or-086
By Campbell
1st & 2nd Readings: 10/24/97

Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.

The City Council of The City of Minneapolis do ordain as follows:
 Section 1. That the following classifications in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Bi-Weekly Rates)
 Non-Represented (NREP)
 Effective February 14, 1997

FLSA	OTC	CLASSIFICATION	1st Step	2nd Step	3rd Step	4th Step	5th Step	6th Step	7th Step
N	3	Election Properties							
		Maintenance Technician	1064	1117	1173	1232	1294	1359	1427

Adopted. Yeas, 12; Nays none.

Absent – Biernat.

Passed October 24, 1997. J. Cherryhomes, President of Council.

Approved October 30, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

ORDINANCE 97-Or-087
By Campbell
1st & 2nd Readings: 10/24/97

Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the following classifications in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Bi-Weekly Rates)

Non-Represented (NREP)

Effective March 21, 1997

FLSA	OTC	CLASSIFICATION	1st Step	2nd Step	3rd Step	4th Step	5th Step
Add:							
E	4	Financial Records Supervisor	1365	1426	1485	1547	1616

Adopted. Yeas, 12; Nays none.

Absent – Biernat.

Passed October 24, 1997. J. Cherryhomes, President of Council.

Approved October 30, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee, having under consideration the award of federal funds to support the YouthWorks/Americorps Program, now recommends that the proper City officers be authorized to receive and execute a grant agreement for the receipt of \$112,379 from the Minnesota Department of Economic Security.

Your Committee further recommends that the proper City officers be authorized to issue the following Fund Availability Notice (FAN) to Loring Nicollet Bethlehem Center for their provision of services related to the YouthWorks/Americorps Program:

Master					
Funds	Agency	Contr #	Period	Amount	FAN#
030-860-8600	Loring Nicollet Bethlehem Ctr	10008	9/1/97- 8/31/98	\$112,379	34-1

Adopted. Yeas, 12; Nays none.

Absent – Biernat.

Passed October 24, 1997.

Approved October 30, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **ZONING & PLANNING** Committee submitted the following reports:

Z&P – Your Committee, having under consideration the appeal filed by Richard Carlson (V-4180), from the decision of the Board of Adjustment denying his application for variation of lot width from 40' to 38' to permit a new single-family dwelling on a lot that was vacant for more than one year at 5118 Irving Av N, now recommends that said appeal be denied.

Adopted. Yeas, 12; Nays none.

Absent – Biernat.

Passed October 24, 1997.

Approved October 30, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z&P – Your Committee, having under consideration the appeal filed by Ted Jostedt (V-4218) from the decision of the Board of Adjustment denying his application for increase in maximum garage size from 676 square feet to 864 square feet to permit a 36' X 24' garage at 5732-34 – 46th Av S, now recommends that said appeal be granted, in accordance with the Findings of Fact on file in the office of the City Clerk and made a part of this report by reference.

Adopted. Yeas, 12; Nays none.

Absent – Biernat.

Passed October 24, 1997.

Approved October 30, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z&P – Your Committee, to whom was referred an ordinance amending Title 2 of the Minneapolis Code of Ordinances relating to Administration, adding a new Chapter 35 relating to the Capital Long Range Improvement Program process, and having held a public hearing thereon, now recommends that said ordinance be given its second reading for amendment and passage.

Campbell moved to amend the ordinance by deleting Section 35.40. Seconded.

Lost upon a voice vote.

ORDINANCE 97-Or-088

By Dziedzic, Minn, McDonald

Intro: 8/22/97

Ref to: Z&P

1st Reading: 9/2/97

2nd Reading: 10/24/97

Amending Title 2 of the Minneapolis Code of Ordinances relating to Administration, by adding a new Chapter 35 relating to Capital Long Range Improvement Program process.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 35 to read as follows:

Chapter 35. Capital Long Range Improvement Program process

35.10. Established; membership. There is hereby created and subject to the limitation on powers of the committee therein, a Minneapolis Capital Long Range Improvement Committee which shall consist of thirty-three (33) members. The city council shall appoint twenty-six (26) members and the mayor shall appoint seven (7) members.

35.20. Purpose. The capital improvement program plan and budget are critical to maintaining quality neighborhoods, a vital economy, a safe, healthy community and maintenance of the city's infrastructure. This ordinance defines the capital improvement process and integrates the capital planning of the respective jurisdictions with a review of all proposed capital expenditures for both new and existing city infrastructure.

The committee shall evaluate and prioritize capital projects of the various city entities named in section 35.60. The committee shall not duplicate evaluation and/or ranking tasks performed by other processes managed by city, state, or federal laws, ordinances or regulations.

35.30. "Capital" defined. As used in this chapter, "capital" means investment in real assets including vehicular equipment.

35.40. Staff. The executive secretary of the board of estimate and taxation shall act as executive secretary of the committee. The city finance officer and city planning director shall allocate staff resources to support the work of the committee and the preparation of the capital program.

35.50. Powers and duties. The committee shall prepare and present its recommendations to the mayor and city council regarding an annual five (5) year capital program, an itemized program for a five (5) year period setting forth the scheduled timing and details of specific contemplated capital improvements by year. The program shall include estimated cost, the need for each improvement, funding source and the financial impact that the improvement will have on the city. The report will consist of two sections to be adopted annually by the city council. The sections of the report are as follows:

(a) Five Year Capital Funding Budget (year 1).

(b) Five Year Capital Improvement Program (years 2-5).

35.60. Capital process. The city's capital program should include capital projects of the City Council/Mayor controlled departments, the Minneapolis Park and Recreation Board, the Neighborhood Revitalization Program, the Municipal Building Commission, the Youth Coordinating Board and the Library Board. The Committee shall evaluate the capital expenditures of the above named units of government within the context of other capital expenditures made within the boundaries of the City of Minneapolis by the Minneapolis Community Development Agency, the Minneapolis Public Housing Authority, Metropolitan Sports Facilities Commission, Hennepin County, Special School District Number One, Metropolitan Council, State of Minnesota and any other taxing district with projects inside the corporate boundaries of the City of Minneapolis.

The capital program shall include all sources and uses of financial resources used to acquire, replace, or increase the useful life of the city's real assets. Estimates shall be made concerning the operating budget impact associated with each capital project.

The capital program shall include an assessment of the condition and replacement value of the city's real assets as determined by the city

engineer and the city finance officer. The capital program shall be developed within the context of the city of Minneapolis' comprehensive plan.

The committee shall present the city's proposed capital program to the mayor not later than the second Friday in August of each year. The committee shall establish guidelines dealing with project submissions, schedules, project ranking criteria, forms, and the program document. The city council and mayor shall review, modify as deemed necessary, and approve the guidelines used by the committee.

The committee shall hold at least one joint public hearing on the city's capital program with the planning commission. The hearing shall occur before the city's capital improvement program is submitted to the mayor. A summary of the public comments at the public hearing shall be included in the capital program document. The mayor and city council shall modify, amend, or adopt the capital program as part of the annual budget process. This chapter shall become effective January 1, 1998.

Adopted. Yeas, 7; Nays, 6 as follows:

Yeas – Biernat, McDonald, Minn, Scott, Schulstad, Rainville, Dziedzic.

Nays – Campbell, Niland, Mead, Herron, Thurber, Cherryhomes.

Passed October 24, 1997. J. Cherryhomes, President of Council.

NOT APPROVED BY THE MAYOR.

Attest: M. Keefe, City Clerk.

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) ss.
CITY OF MINNEAPOLIS)

I, MERRY KEEFE, City Clerk of the City of Minneapolis, County of Hennepin, State of Minnesota, do hereby certify that a report of the Zoning and Planning Committee relating to Capital Long Range Improvement Committee (CLIC), as acted upon by the City Council of Minneapolis, Minnesota, and designated as "Not Approved by the Mayor", for her approval and signature as such Mayor; that Mayor Sayles Belton did not thereafter, within five days, Sundays excepted, approve or sign such action within the time specified.

Therefore, in accordance with the provisions of Chapter 3, Section 1, of the City Charter, said action has become and is valid, and I hereby certify that it has the same force and effect as if approved by said Mayor.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City, this 31st day of October, 1997.

MERRY KEEFE,
City Clerk.

Z&P – Your Committee, having under consideration the petition of Robert Muir Company requesting that the City of Minneapolis, as the owner of certain real estate (3040 Excelsior Blvd and 3025 W Lake St) on or within 100 feet of the 6.03 acres of vacant land between W Lake St and Excelsior Blvd West of Market Plaza, consent to the commencement of a process to rezone that land from R5 to the B3S-1 District to permit development of a 65,000 square foot retail center, now recommends that the proper City Officers be authorized to sign the petition requesting an amendment of the zoning code of the City of Minneapolis.

This action is limited to authorizing signing by City Officers of the petition and shall not constitute a rezoning of the property or be construed to indicate any right to future approval of the requested rezoning.

Adopted. Yeas, 12; Nays none.

Absent – Biernat.

Passed October 24, 1997.

Approved October 30, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z&P – Your Committee, having under consideration the appeal filed by Hollywood Theatre Company from the decision of the Heritage Preservation Commission denying their application for a demolition permit for the Pantages (Mann) Theater at 708 Hennepin Av, now recommends that said appeal be denied.

Adopted. Yeas, 12; Nays none.

Absent – Biernat.

Passed October 24, 1997.

Approved October 30, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z&P – Your Committee recommends granting the following applications for special permits, notwithstanding the Zoning Code –

a) Nan Zosel: Appl to continue operation of a three-unit bed and breakfast facility in a single family dwelling at 2304 Fremont Av S, subject to continued ownership of the property by the Zosel family (#1997-203);

b) Roberta Revering: Appl to obtain permits to construct a garage at 2100 Hawthorne Av prior to variance approval by the Zoning Board of Adjustment (#1997-215).

Adopted. Yeas, 12; Nays none.

Absent – Biernat.

Passed October 24, 1997.

Approved October 30, 1997. S. Sayles
Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z & P - Your Committee, having under consideration the scoping report for the Federal Environmental Assessment of a proposed 1,000 foot extension of Runway 4-22 at the Minneapolis-St. Paul International Airport, now recommends adoption of the “Comments of the City of Minneapolis regarding the Environmental Assessment for the Proposed Extension of Runway 4-22” set forth in Petn No 263219, and that said document be submitted to the Metropolitan Airports Commission and their consultant.

Adopted. Yeas, 12; Nays none.

Absent - Biernat.

Passed October 24, 1997.

Approved October 24, 1997. S. Sayles
Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published October 28, 1997)

Z&P – Your Committee, to whom was referred back on 10/10/97 a report recommending concurrence in the recommendations of the Planning Commission relating to rezoning applications of Don Rosacker for development of a 32 unit townhouse cluster development in the vicinity of 18th Av NE and McKinley St NE, and having held further discussion thereon, now recommends:

a) Granting the petition (P-1016A) to rezone property at 1800 McKinley St NE from R1A to the R2B District to permit a 6 unit townhouse project as part of a larger 32 unit cluster development, and that the accompanying amendment to the Zoning Ordinance be passed (63713); and

b) Granting the petition (P-1016B) to rezone property at 1850 Stinson Blvd from B3S-1 to the R2B District to permit a 26 unit cluster development, and that the accompanying amendment to the Zoning Ordinance be passed (63714).

Adopted. Yeas, 12; Nays none.

Absent – Biernat.

Passed October 24, 1997.

Approved October 30, 1997. S. Sayles
Belton, Mayor.

Attest: M. Keefe, City Clerk.

ORDINANCE 97-Or-089

By Scott

1st & 2nd Readings: 10/24/97

Amending Title 20, Chapter 536 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 536.20 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. That part of Lot 10, Pleasant Heights Addition to Minneapolis, except the Southerly 14 feet of said Lot 10, together with that portion of said Lot 10 described as follows: Commencing at a point on the West line of said Lot 10, distant 16 feet South from the Northwest corner of said lot, thence continuing South along the Westerly line of said Lot 10 feet, thence East at right angles 10 feet, thence Northwesterly to point of beginning (1800 McKinley St NE – Plate 10) to the R2B District.

Adopted. Yeas, 12; Nays none.

Absent – Biernat.

Passed October 24, 1997. J. Cherryhomes,
President of Council.

Approved October 30, 1997. S. Sayles
Belton, Mayor.

Attest: M. Keefe, City Clerk.

ORDINANCE 97-Or-090

By Scott

1st & 2nd Readings: 10/24/97

Amending Title 20, Chapter 536 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 536.20 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. That part of Lots 1-11 inclusive, and Lots 20-30 inclusive, Block 2, Roland Park including vacated alley in block (1850 Stinson Blvd – Plate 10) to the R2B District.

Adopted. Yeas, 12; Nays none.

Absent – Biernat.

Passed October 24, 1997. J. Cherryhomes, President of Council.

Approved October 30, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z&P – Your Committee, to whom was referred back on 10/10/97 a report recommending granting the appeal filed by Cecile Bedor, for Central Community Housing Trust (A-316), from the decision of the Board of Adjustment denying the application to appeal the decision of the Zoning Administrator that the variance request (V-4213) to reduce the number of off-street parking spaces at 2828 Portland Av S from 18 to 8 for an 18-unit apartment building, as the request exceeds the 20% maximum variance that the Board of Adjustment is allowed to grant, and having held further discussion thereon, now recommends approval of the amended variation request from 18 to 8 for a 17-unit apartment building, subject to the condition that the applicant provide two off-site parking spaces dedicated to the use of 2828 Portland Av S within six months, in accordance with the Findings of Fact on file in the office of the City Clerk and made a part of this report by reference.

Adopted. Yeas, 12; Nays none.

Absent – Biernat.

Passed October 24, 1997.

Approved October 30, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z&P – Your Committee, having under consideration the application of Fred Quiggle for a special permit, notwithstanding the Zoning Code, to permit construction of a driveway at 4709 Washburn Av S prior to variance approval by the Zoning Board of Adjustment, now recommends granting said permit until 12/1/97 (#1997-217).

Adopted. Yeas, 12; Nays none.

Absent – Biernat.

Passed October 24, 1997.

Approved October 30, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

MOTIONS

Campbell, Chair of the Ways & Means/Budget Committee, moved that the regular payrolls for all City employees under City Council jurisdiction for the month of November 1997 be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted. Yeas, 13; Nays none.

Passed October 24, 1997.

Approved October 30, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION

RESOLUTION 97R-337

**By McDonald, Dziedzic,
Campbell, Biernat, Rainville,
Cherryhomes, Niland, Scott,
Herron, Thurber, Mead,
Schulstad and Minn**

Honoring the National Federation of the Blind of Minnesota.

Whereas, the National Federation of the Blind of Minnesota, founded in 1920, is the state's oldest and largest organization promoting the interests of blind citizens; and

Whereas, the white cane, which every blind citizen of our state has the right to carry, demonstrates and symbolizes the ability of the blind to achieve full and independent lives and the capacity of the blind to be productively employed; and

Whereas, the white cane allows every blind person to move freely from place to place, making it possible for him or her to participate fully in and contribute to our society; and

Whereas, the freedom to travel, one of the fundamental rights accorded to all citizens, is as important to the blind as it is for the sighted; and

Whereas, Minnesota law requires that all blind persons be given equal access to all places of public accommodation, lodging, and transportation, subject only to the provisions and restrictions applicable alike to all persons; and

Whereas, Minnesota law encourages employees, both public and private, to fully utilize the unlimited skill and potential of our blind citizens; and

Whereas, the National Federation of the Blind, with more than fifty thousand members

nationwide, has demonstrated a refreshing commitment to promoting the respectability of blindness through, among other things, its highly competitive scholarship program for blind students; its ceaseless efforts to promote Braille as a viable tool of literacy for the blind; its ongoing efforts to acquire gainful employment for blind persons through its Job Opportunities for the Blind program; its provision of technical assistance to teachers, parents of blind children, law enforcement officials, employers and state government; its access to newspapers through Newsline for the Blind; and its production of printed, Braille and recorded literature about blindness; and

Whereas, these positive programs are supported and enhanced at the state level by the National Federation of the Blind of Minnesota as witnessed by its energetic programs to promote more and better instruction in the reading and writing of Braille for blind children attending Minnesota's public schools and its efforts to secure new and positive training alternatives for Minnesota's newly-blind adult population;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council does hereby proclaim that November 1, 1997, is National Federation of the Blind of Minnesota Day and urges all residents of the City of Minneapolis to join in the celebration of this important and noteworthy event.

Adopted. Yeas, 13; Nays none.

Passed October 24, 1997. J. Cherryhomes, President of Council.

Approved October 30, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

UNFINISHED BUSINESS

Licensed Establishments & Trades: Passage of Ordn amending Title 4 of the Mpls Code of Ordinances by adding Chapter 78 entitled "**Enacting Moratoria on Licensed Establishments and Trades**", amending Titles 4, 10, 11, 13 & 14 to allow the City to enact moratoria, etc; Auth summary publication.

Biernat moved to continue postponement. Seconded.

Adopted upon a voice vote.

NEW BUSINESS

Campbell offered an Ordinance amending Title 20, Chapter 552 of the Minneapolis Code of Ordinances relating to **Zoning Code: RC Riverfront Commercial District**, which was given its first reading and referred to the Zoning & Planning Committee (Text amendment re stadiums, auditoriums, arenas, museums or interpretive centers).

Campbell offers an Ordinance amending Title 20, Chapter 571 of the Minneapolis Code of Ordinances relating to **Zoning Code: Minnesota Technology Corridor Research and Development District (T)**, which was given its first reading and referred to the Zoning & Planning Committee (Text amendment re stadiums, auditoriums, arenas, museums or interpretive centers).

Campbell moved to adjourn. Seconded.

Adopted. Yeas, 13; Nays none.

Adjourned.

MERRY KEEFE,
City Clerk.
97-10206